IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

Crl.Rev.Pet.No. 801 of 2000

CRA.119/1995 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.111/1990 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O), ERNAKULAM

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REVN. PETITIONER:

M.A.POCKER HAJI, S/O. LATE AHMED,
NEETHALA ARAYUVULLATHIL HOUSE
PONMERIPARAMBA P.O., VILLIAPPALLY VIA.
KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. ASSISTANT COLLECTOR, SPECIAL CUSTOMS PREVENTIVE DIVISION, CALICUT.

2. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.K.V.SABU
SRI.FRANCIS JOSEPH KURISINKAL, ADDL.CGS

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 4251 OF 2000 IN CRL.R.P.NO. 801-C

DISMISSED.

13-3-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.801 OF 2000

DATED THIS THE 13TH DAY OF MARCH 2007

ORDER

The revision petitioner stands convicted for the offence under Section 135(1)(i) of the Customs Act and Section 85(1)(a) of the Gold (Control)Act, 1968 and sentenced, as modified by the appellate court, to undergo rigorous imprisonment for one year and to pay a fine of Rs.20,000/- and in default to undergo simple imprisonment for one year under Section 135(1)(i) of the Customs Act and to pay a fine of Rs.10,000/- and in default to undergo simple imprisonment for six months under Section 85(1)(a) of the Gold (Control)Act.

2. Counsel for the revision petitioner has only sought for leniency so far as the sentence is concerned. It is submitted that the incident has taken place in 1989. It is also submitted that he was only a career and that he has already undergone imprisonment for one year under the COFEPOSA.

3. In the circumstances and considering the fact that the incident has taken place about 1 ½ decades ago and so far he has been facing the criminal proceedings, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.50,000/- for the offence under Section 135(1)(i) of the Customs Act and in default to undergo

rigorous imprisonment for a period of six months. The sentence imposed for the offence under Section 85(1)(a) of the Gold (Control) Act is confirmed. It is submitted that the revision petitioner has deposited a sum of Rs.30,000/- before the trial court as cash deposit for availing bail. The above amount shall be adjusted in the fine amount ordered to be deposited. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.801 of 2000

ORDER

13-3--2007